



DEPARTMENT OF THE NAVY
OFFICE OF THE GENERAL COUNSEL
720 KENNON STREET SE, RM 214
WASHINGTON NAVY YARD, DC 20374-5012

September 28, 2022

VIA EMAIL

Siraaj Eldean Al-Baaj
21268 E. Euclid Drive
Centennial, CO 80016
Siraaj.albaaj@gmail.com

Subject: NOTICE OF PROPOSED DEBARMENT

Dear Siraaj Eldean Al-Baaj:

Effective this date, the Department of the Navy (**DON**) is proposing to debar you all Federal contracts, benefits, and federally backed loans.

Information about how to respond is in the final section of this notice.

The Administrative Record: Facts Supporting Debarment

The following facts have been established by a preponderance of the evidence. The Administrative Record contains the documents establishing these facts.

1. You were employed as a non-supervisory Multi-Function Information Systems Analyst Staff located in Waterton, CO by Lockheed Martin Enterprise Operations (**EO**), a business area of Lockheed Martin Corporation (**LMC**). On August 16, 2022, LMC submitted a mandatory disclosure to the Department of Defense Office of Inspector General reporting that you mischarged a significant amount of time, resulting in inflated indirect costs on one or more Government contracts.
2. On January 25, 2022, an EO security investigator received information from a Human Resources Business Partner regarding concerns of your time mischarging. The investigator interviewed your manager, who stated that your work performance began declining in February 2021 despite continued counseling and that you had increased attendance issues at work.
3. Security installed Active Desktop Monitoring on your computer from January 25, 2022, through February 9, 2022. Monitoring data showed that you engaged in 29:08 hours of non-work activity (i.e., surfing the internet, streaming videos, and instant messaging, for an extended amount of time on non-work related matters, with a Northrop Grumman employee) despite charging the time as worked. The total mischarged time during software monitoring was 41% of the hours you charged.

4. EO Security interviewed you on February 17, 2022. You stated that you were a fulltime onsite worker in a classified area, though occasionally must pick up computer equipment from other areas within the facility. You admitted that you spent time surfing the internet, streaming videos, and engaging in conversations with other employees unrelated to work activities but stated you were doing so while multi-tasking. When asked if you ever shared your computer screen with the Northrop Grumman employee, you admitted to sharing sensitive LM information with the Northrop Grumman employee. Specifically, you stated that you had shared the names of the programs on which you worked and the names of some LMC employees who worked on certain classified programs. LMC confirmed that none of the information you shared was classified.
5. LMC's investigation confirmed that you mischarged time, shared sensitive information with a non-LMC employee, and misused company computer assets.
6. LMC determined you mischarged 739 hours between February 1, 2021 (the date your manager first became concerned with your time charging) and February 17, 2022 (the date of your interview with the Security investigator).
7. LMC reported you completed labor charging training on November 18, 2021, and ethics training on June 28, 2021.
8. LMC reported that on March 2, 2022, the Disciplinary Review Committee terminated your employment effective March 7, 2022.

Authority to Propose Debarment

You are proposed for debarment under the Federal Acquisition Regulation (**FAR**) § 9.4, which is available at: www.acquisition.gov/far/.¹ The FAR provides that "agencies shall solicit offers from, award contracts to, and consent to subcontracts with, responsible contractors only." FAR § 9.402(a). To be determined responsible, a prospective contractor must have a "satisfactory record of integrity and business ethics." FAR § 9.104-1(d).

1. *Contractor defined*: For purposes of suspension and debarment, the definition of a *contractor* includes any individual or entity that "conducts business, or reasonably may be expected to conduct business, with the Government as an agent or representative of another contractor." FAR § 9.403. *Contractor* includes the employees and subcontractors of any entity that has a Federal contract.
2. *Conduct warranting debarment*: I may debar a contractor based on a cause of "*so serious or compelling a nature* that it affects the present responsibility of the contractor or subcontractor." FAR § 9.406-2(c). The cause for debarment must be established by a preponderance of the evidence. FAR § 9.406-3(d)(3).

¹ These regulations are supplemented by Department of Defense FAR Supplement Subpart 209.4, Class Deviation 2020-O0014, and Appendix H. Copies of all these regulations are available at www.acquisition.gov/dfars/ and www.ecfr.gov. Please submit a written request to my office if you need hard copies of these or the FAR provisions.

3. *Remediation and Mitigation*: Before arriving at a debarment decision, I will consider both a) the seriousness of the contractor's actions or omissions and b) any remedial measures or mitigating factors. FAR § 9.406-1(a).

Legal Analysis: Debarment is Appropriate

1. *You are a contractor*. I find that you are a contractor under the definition of the FAR. Given your prior employment as a Multi-Function Information Systems Analyst Staff at EO, a large government contractor, you can reasonably be expected to seek a position in the future as an agent or representative of a contractor conducting or seeking to conduct business with the Government. *See* FAR § 9.403.
2. *Basis for Proposed Debarment*. While employed at EO, you charged approximately 739 hours for time you did not actually work. Although you were trained on the importance of timekeeping accuracy, you chose to mischarge your time on multiple occasions. Your behavior, which calls into question your integrity and business ethics, is a cause for debarment pursuant to FAR § 9.406-2(c) (serious and compelling misconduct).
3. *Remediation and Mitigation*. I find neither remedial measures nor mitigating factors in your favor. *See* FAR § 9.406-1(a).
4. *Government Interest*. Your practice of time mischarging is evidence that you are not presently responsible, because you have demonstrated a lack of integrity and business ethics. Your actions caused 739 hours to be charged to indirect costs on Government contracts when you did not work to support those contracts. Had your misconduct gone undiscovered, it would likely have continued, and the Government would have paid for services it did not receive. The Government has no confidence that you would not again engage in the same or similar misconduct in the future.
5. *Conclusion*. Based on the foregoing, you are proposed for debarment, effective this date.

Effect of the Proposed Debarment

Your exclusion has been listed in the System for Award Management (SAM) pending a debarment decision. If debarment is imposed, you will be listed in the SAM for the duration of the debarment. The SAM is an online database available to the public that lists the names and addresses of all individuals and entities that are suspended, proposed for debarment, or debarred. You may access the SAM at <https://www.sam.gov>.

An exclusion impacts your eligibility for Federal contracts, subcontracts, nonprocurement transactions, and Federal assistance. For a more detailed list, see FAR § 9.405. Examples include:

- *Contracts*. The Federal Government will not award contracts or orders to you and your existing contracts will not be renewed or otherwise extended, with limited

exceptions.

- *Subcontracts.* You are ineligible for subcontracts over \$35,000 on Federal contracts, with limited exceptions.
- *Federal assistance.* You will be ineligible for Federal *nonprocurement transactions*, including grants, loans, and subsidies. For individuals, this includes federally backed mortgages and student loans. See FAR § 9.403 for the definition of *nonprocurement transactions*.
- *Surety.* You may not act as an individual surety.


There may also be a series of collateral effects. For instance, employers or lenders may access the SAM as a part of background checks. A SAM exclusion listing may affect your ability to get a job with a company that has Federal contracts and may affect your security clearance.

How to Respond

Within 30 calendar days after you receive this notice, you may respond and explain to me why I should not debar you. You should include any facts or argument you think are relevant.² Additional information about how to respond can be found at <https://www.secnave.navy.mil/OGC/AIO/Pages/MIO-FAQs.aspx>.

In addition to a written response, you may also request an in-person or remote conference meeting. I will determine the need for an in-person presentation to address genuine disputes of material fact raised in the written submissions or as otherwise appropriate.

Communications should be sent to the attention of John Arszulowicz, Assistant Counsel, Acquisition Integrity Office, 720 Kennon St. SE, Bldg. 36, Rm. 214, Washington Navy Yard, DC 20374-5012; (202) 685-6952; john.d.arszulowicz.civ@us.navy.mil. Electronic submission of materials by email is strongly encouraged. You should confirm that my office has received your submission.



Kerry Hotopp
Suspending and Debarring Official
Assistant General Counsel
(Acquisition Integrity)

² Your arguments will become part of the Administrative Record. You may request an electronic copy of your Administrative Record. If you are not able to receive an electronic copy, we will provide you a paper copy instead. Please note that the Administrative Record is subject to release under the Freedom of Information Act. You must mark materials you consider proprietary, privileged, or otherwise exempted from release under the Freedom of Information Act. We will protect these materials from release to the extent permitted by law, regulation, and policy.